

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CAPITOL RECORDS, INC., a Delaware Corporation; WARNER BROS. RECORDS, INC., a Delaware Corporation; ARISTA RECORDS, INC., a Delaware Corporation; BMG MUSIC, a New York general partnership; SONY MUSIC ENTERTAINMENT, INC., a Delaware Corporation; and UMG RECORDINGS, INC., a Delaware corporation,

Plaintiffs,

v.

JIM FITZPATRICK,

Defendant.

CIVIL ACTION No. 04-CV-40168 FDS

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO AMEND PLEADINGS TO ADD ADDITIONAL PARTIES**

Plaintiffs Capitol Records, Inc., Warner Bros. Records, Inc., Arista Records, Inc., BMG Music, Sony Music Entertainment, Inc., and UMG Recordings, Inc., (collectively, "Plaintiffs") hereby requests that the deadline to amend the pleadings to add additional parties be extended from January 31, 2005 until May 19, 2005.

In support thereof, the Plaintiffs state:

1. On November 23, 2004, the Court conducted a status conference in this matter.

At the conference, the Court issued a Scheduling Order setting a date of January 31, 2005 for the Parties to file any amended pleadings.

2. Defendant maintains that the conduct at issue in this matter was committed by unknown other individuals.

3. The Parties agree that formal and informal discovery needs to be conducted in relation to the conduct at issue and, should discovery identify such other individuals who are responsible for that conduct, the Parties should be free to amend the pleadings to permit the joinder of such individuals.

4. Neither party will be prejudiced by the requested extension, and it is necessary in light of the need for additional discovery.

WHEREFORE, the Plaintiffs respectfully request that the parties be permitted until May 19, 2005 to amend the pleadings to join additional parties.

Respectfully submitted,

CAPITOL RECORDS, INC., WARNER  
BROS. RECORDS, INC., ARISTA  
RECORDS, INC., BMG MUSIC, SONY  
MUSIC ENTERTAINMENT, INC., and  
UMG RECORDINGS, INC.,

By their attorneys,

/s/ Gabriel M. Helmer

Colin J. Zick (BBO #556538)  
Gabriel M. Helmer (BBO #652640)  
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Dated: February 15, 2005

ATTORNEYS FOR PLAINTIFFS

**CERTIFICATION OF COUNSEL**

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for Plaintiffs conferred with counsel for Defendant Jim Fitzpatrick on February 1, 2005 in a good faith attempt to resolve the issues raised in this motion and Attorney Gaffney represented that he would not oppose this motion.

/s/ Gabriel M. Helmer

Gabriel M. Helmer

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of February, 2005, I caused a true copy of the above document to be served upon counsel for Jim Fitzpatrick by mail.

/s/ Gabriel M. Helmer

Gabriel M. Helmer